

63833-5009

REMARKS

Applicant has amended claim 41, and has neither canceled nor added any claims in the Response. Accordingly, claims 1 to 5, 7, 10 to 21, 25 to 27, 29, 32 to 34, 37, and 40 to 46 remain pending in this patent application. Applicant now addresses each and every point raised by the Examiner in the above-identified Office action as follows:

I. Rejection of Claim Under Section 112

Claim 41 has been rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. Applicants have amended claim 41 to clarify the subject matter pointed out by the Examiner and submit, in view of such claim amendment, that the rejection of this claim under 35 U.S.C. §112 be reconsidered and withdrawn.

II. Rejection of Claims Under Section 103

Claims 43 to 45 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Fang. Independent claim 43 recites a specific embodiment of the low coefficient of thermal expansion cermet construction; specifically, one comprising a repeating arrangement of structural units "each having an ordered microstructure of first and second structural phases." Accordingly, the first and second structural phases are arranged with respect to one another having an intentional order or orientation. An illustration of this invention concept is shown in FIG. 6. This ordered arrangement is different from that where first and second structural phases are completely randomly arranged with respect to one another.

Fang fails to disclose or remotely suggest a composite construction having an ordered and nonrandom arrangement of structural phases as recited in independent claim 43. Accordingly, Applicants submit that one having ordinary skill in the art aware of Fang would not be motivated to produce the cermet construction recited in claim 43 having such an ordered arrangement. Applicants, therefore, submit that independent claim 43 would not be obvious

63833-5009

based on Fang, and respectfully request that the rejection of this claim, and claims 44 and 45 depending therefrom, under 35 U.S.C. §103 be reconsidered and withdrawn.

III. Allowable Claim

Claim 46 has been identified as being allowable if rewritten into independent form. However, for the reasons presented above in Section II, Applicants believe that independent claim 43 is properly allowable. In view thereof, Applicants submit that claim 46 would also be allowable, without having to be rewritten, by virtue of its dependence therefrom. Accordingly, Applicants elect not to rewrite this claim at this time.

IV. Allowed Claims

Claims 1 to 5, 7, 10 to 21, 25 to 27, 29, 32 to 34, 37, 40 and 42 have been deemed allowed. Applicants acknowledge with appreciation the allowance of these claims and hereby accept the same.

V. Conclusion

For the reasons presented above, Applicants respectfully request that the rejection of claims under 35 U.S.C. §112 and §103, and the objection to claim 46, be reconsidered and withdrawn, and that claims 41 and 43 to 46 be passed to allowance like the remaining pending claims in this application.

Respectfully submitted,



GRANT T. LANGTON
Reg. No. 39,739

Date: October 14, 2004

GTL/ke1
JEFFER MANGELS BUTLER & MARMARO LLP
SEVENTH FLOOR
1900 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-4008
TELEPHONE: (310) 203-8080
FACSIMILE: (310) 203-0567
CUSTOMER NO. 24,574